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702 Helicopter

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

702 HELICOPTER, a Nevada Corporation,

Plaintiff,

v.

ASHLEY POLSTON, an Individual;
 THEODORE R. WRIGHT ENTERPRISES,
 INC., a Montana corporation,

Defendants.

CASE NO.: 2:18-cv-02055-APG-CWH

**STIPULATION AND PROPOSED
 ORDER TO EXTEND SCHEDULING
 ORDER DEADLINES**

(FIRST REQUEST)

ASHLEY POLSTON, an Individual; and
 THEODORE P. WRIGHT ENTERPRISES,
 INC., a Montana Corporation,

Counterclaimant,

v.

702 HELICOPTER, a Nevada Corporation,

Counter-Defendant.

Pursuant to LR 26-4 and LR IA 6-1, Plaintiff 702 Helicopter and Defendants Ashley Polston and Theodore P. Wright Enterprises, Inc. (“Defendants”, together with Plaintiff, the “Parties”) hereby stipulate and request an order extending the deadlines set in the January 25, 2019 Stipulated Discovery Plan and Scheduling Order (“Scheduling Order”). (ECF No. 14). This is the first stipulation by the Parties to extend the Scheduling Order deadlines.

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I. DISCOVERY COMPLETED

In lieu of expending time, resources and energy on engaging in discovery, the Parties focused their efforts on reaching a resolution of this matter. As such, only minimal discovery has been conducted:

- Plaintiff served its Initial Disclosure Statement Pursuant to FRCP 26(A)(1) on January 29, 2019;
- Defendant served its Initial Early Case Conference Disclosure of Witnesses and Documents on January 30, 2019;
- Defendant served its Notice of Taking Deposition Upon Oral Examination of Brian Lorenz on February 25, 2019; and
- Deposition of Brian Lorenz was conducted on March 14, 2019.

There are no pending discovery motions at this time.

II. DISCOVERY REMAINING

If the Parties are unable to reach a settlement in this matter, the Parties anticipate exchanging interrogatories, requests for production of documents, and requests for admission. The Parties anticipate exchanging expert designations and rebuttal designations. The Parties anticipate taking additional depositions.

III. REASON FOR REQUESTED EXTENSION AND SHOWING OF GOOD CAUSE

In an effort to resolve this dispute, the Parties agreed to sell the AS350BA Eurocopter France (the “Helicopter”), the property at issue, and the proceeds from the sale are currently in an Escrow account. Following the sale, the Parties have engaged in settlement discussions. However, the Parties have not yet reached a resolution of the instant dispute. Accordingly, the requested extension is necessary to provide the Parties the ability to focus their time, energy and resources on their settlement negotiations. Additionally, Plaintiff intended to file a Motion for Leave to File an Amended Complaint, but has not filed the same in the interest of reaching a settlement. If the Parties are unable to reach a settlement, this extension will allow them to complete the necessary discovery and file the necessary motions in this matter.

1 In the Parties' Joint Interim Status Report, filed herein on May 16, 2019, the Parties
 2 requested a Court-ordered settlement conference with a Magistrate Judge under 28 U.S.C. §
 3 636(c) at the Court's earliest convenience. The settlement conference has not yet been scheduled.
 4 The Parties agree that it is in the best interest of all Parties to wait until after the settlement
 5 conference has been conducted before incurring the time and expense of the remaining written
 6 discovery, rebuttal expert designations, depositions, and motion practice, as the settlement
 7 conference could resolve this matter in its entirety, thereby relieving both of the Parties and the
 8 Court from expending further time and resources on this matter.

9 The Parties recognize that the deadlines to amend pleadings and for expert designations
 10 expire today. In accordance with Local Rule 26-4, the Parties submit that good cause exists to
 11 extend these deadlines because (i) while the Parties anticipated being able to resolve this dispute
 12 prior to these deadlines expiring and focused their time, energy and resources on such settlement
 13 negotiations, (ii) after engaging in significant efforts to sell the Helicopter, which included
 14 working with third parties and multiple escrow agencies, resulting in delays out of their control,
 15 the Parties' negotiations have come to an impasse, and (iii) the Parties just today came to the
 16 realization that a Court-ordered settlement conference would be the most efficient and effective
 17 means of resolving the dispute, and that if such efforts were futile, proceeding with the litigation
 18 would be necessary. Put simply, the Parties anticipated resolving the dispute and that there would
 19 be no need to seek leave to amend pleadings and engage in additional discovery. When it became
 20 apparent that settlement was not imminent, they agreed to extend the deadlines and participate in
 21 a good faith settlement conference. As such, good cause exists to extend the deadlines as
 22 requested herein.

23 **IV. PROPOSED EXTENSION OF THE SCHEDULING ORDER DEADLINES**

24 The Parties jointly propose the following sixty (60) day extension of the January 25, 2019
 25 Stipulated Discovery Plan and Scheduling Order deadlines:

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Event	Current Deadlines	Proposed New Deadlines
Discovery Cutoff	July 15, 2019	September 13, 2019
Discovery Motions Deadline	July 15, 2019	September 13, 2019
Deadline to Amend Pleadings	May 16, 2019	July 15, 2019
Expert Designations	May 16, 2019	July 15, 2019
Rebuttal Expert Designations	June 17, 2019	August 16, 2019
Dispositive Motion Deadline	August 14, 2019	October 14, 2019
Joint Pretrial Order Deadline	September 13, 2019	November 12, 2019

In consideration of the above, good cause exists for the Parties' requested extension.

DATED this 16th day of May, 2019.

**BROWNSTEIN HYATT FARBER
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DATED this 16th day of May, 2019.

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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATE: _____

CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **STIPULATION AND PROPOSED ORDER TO EXTEND SCHEDULING ORDER DEADLINES (FIRST REQUEST)** was served via electronic mail, on the 16th day of May, 2019, to the addresses shown below:

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